

UNITED STATES DEPARTMENT OF STATE

EXCHANGE VISITOR PROGRAM
SECONDARY SCHOOL STUDENTS PUBLIC MEETING

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1 P R O C E E D I N G S

2 MR. RUTH: Good morning. Welcome to the
3 Department of State, welcome to the Dean Acheson
4 Auditorium. Thank you all for coming this
5 morning. My name is Rick Ruth, I'm the Acting
6 Chief of Staff at ECA. The purpose of this
7 session this morning is to extend and to deepen
8 our dialogue and to provide a forum for open
9 discussion on the proposed amendments to the
10 Exchange Visitor Program, Secondary Student
11 regulations.

12 I'm over here and most of you are over
13 there. But to help us accomplish that goal, the
14 panelists on our stage this morning are Maura
15 Pally, the Acting Assistant Secretary of State for
16 the Bureau of Educational and Cultural Affairs;
17 Stanley Colvin, who is Deputy Assistant Secretary
18 for Private SectorExchange; and Sally Lawrence,
19 the Director of our Office of Designation.

20 Our session this morning will be in
21 three parts. First we will hear from Secretary
22 Pally, second, three representatives of the

1 community will make remarks, and third, we will
2 have questions and comments from all of you.

3 Before we begin, please remember that if
4 for some reason you do need to leave the
5 auditorium during the session, you need to be
6 escorted. If you would please use the exit to
7 your right, there will be someone there who is
8 available to escort you. And now it is my
9 pleasure to introduce Assistant Secretary Pally.

10 MS. PALLY: I'll stay here because the
11 podium is a little formal. Can everybody hear me
12 okay? Oh yeah, now you can definitely hear me.
13 First of all, thank you, everyone, for coming. I
14 know getting into the State Department alone is an
15 accomplishment in and of itself, so I appreciate
16 the effort. And this room is a little kind of
17 formal and oddly set up, so I apologize for that,
18 because I really do want this to be a dialogue.

19 I know that the proposed rules that we
20 have put forward are significant changes and they
21 are going to impact all of you, and your work,
22 your business, and your passion, and I am

1 committed to working with you and hearing from you
2 what your reactions are to these proposed rules,
3 the good, the bad, and we can have an honest
4 dialogue about why we're doing what we're doing,
5 how it's going to work.

6 And, you know, I'm prepared to admit
7 that these are going to be hard changes for you,
8 but I'm also prepared to say I think they are
9 necessary. We have a shared commitment to these
10 programs. They are truly phenomenal, they touch
11 lives around the world in ways that nothing else
12 can. And I think we're also committed to doing
13 everything that we can to protect the safety, the
14 health and the well being of the young people
15 under our care.

16 The challenge before us is how do we
17 reach the right balance in protecting the
18 programs, but also protecting the students. So I
19 think that we all come to this with a shared goal
20 and now we can figure out how to best work towards
21 that goal.

22 I think the unfortunate reality is, in

1 this world, that there are more problems than one
2 would hope. Now, these problems that come up are
3 the exceptions to the rule, but nonetheless, these
4 are unacceptable exceptions. The BP oil spill was
5 an exception to the rule in oil drilling, but it's
6 unacceptable, and it's up to the government and
7 the oil companies to do everything they can to
8 prevent the next oil spill.

9 And that means that Exxon, who wasn't
10 responsible for this spill, might have to spend
11 more money to live up to tougher regulations. But
12 as an industry, and as a government regulator,
13 changes have to be made in reaction to exceptions,
14 because sometimes exceptions to the rule devastate
15 the entire industry program, what have you, that's
16 just the hard reality. So while it might not be
17 -- it's not happening in my back yard, it's
18 happening in somebody else's. It's all of our
19 collective responsibility as a community to raise
20 our standards and to accept that sometimes things
21 are going to have to be a little harder than we
22 want them to be in order for us to provide the

1 best product, or, in this case, protect the safety
2 and health of the very vulnerable population that
3 is in our control.

4 And when I talk about problems that come
5 up, it ranges from good intentioned families who
6 might not have the financial resources to
7 adequately provide for a student, to the not so
8 good intended bad seeds that, again, while they
9 are exception to the rule, they are there, and any
10 one student who is mistreated, abused in any way,
11 is one too many, period, end of comment.

12 So we need to do everything we can to
13 weed out that one exception, and that's going to
14 mean swallowing a hard pill, and I'm not going to
15 get up here and say anything different. This is
16 not easy, but it's absolutely necessary. And
17 truly, anybody who doubts that there are problems
18 in this industry only needs to set up a Google
19 alert, it is terrifying what comes out. Again,
20 exceptions to the rules, I know the numbers, but
21 it's way too high. So with that sort of hard
22 truth put out there, I want to let you know that

1 the Department is truly committed to strengthening
2 oversight and strengthening the regulations, but
3 we are also committed to hearing from you, which
4 is why I wanted to do this public meeting. It's
5 why we've spent time going through the 1,700
6 comments that we have received from you. We are
7 listening to them, we are paying attention to
8 them. These are, in fact, proposed rules, not
9 final written rules.

10 So we are listening, we do want to hear
11 the dialogue. I know the proof will be in the
12 pudding, but, you know, you're honest with us and
13 we'll be honest with you. My honesty is, changes
14 are going to have to be made, it's going to be
15 hard, but it's a crucial time in the industry, and
16 I think while in the short term it's going to be
17 very challenging, in the long run, these changes
18 will truly improve the entire industry.

19 Now, in the mode of honesty, I also want
20 to say and bring out, I know what the hot button
21 issues are in these regs, probably the top of that
22 being the fingerprinting, we need to have more

1 conversations about the best way to make this
2 fingerprinting work. I recognize that we are not
3 ready to implement what we have in the regs
4 tomorrow, we need to have more conversations with
5 NCMEC about how to actually make this work. The
6 system as it stands today cannot tomorrow turn
7 around the volume. And there are other statutory
8 issues that have to be worked out. So we are open
9 to and committed to having more conversations with
10 the FBI. We've been talking to the Hill and all
11 parties about how do we achieve this, because,
12 unfortunately, shockingly in this country, there
13 isn't one simple way to get a background check, a
14 criminal background check.

15 State to state, municipality to
16 municipality, anybody who deals with it knows that
17 it's a mess really. So we are struggling in an
18 imperfect system of how do we get the most
19 thorough criminal background check possible in a
20 workable way.

21 So let me say to you, we are committed
22 to having more conversations about this. This

1 might very well mean a delay in implementation of
2 a major rule change, it might mean the
3 establishment of an entire new entity or statute,
4 I don't know right now, that's why I'm committed
5 to hearing from you on your feedback, but I do
6 want to say, in the criminal fingerprinting, we
7 recognize this is a major change. We also
8 recognize the system is not set up to implement
9 this overnight, so I want to put that out there.
10 I know that will be a topic of discussion, as well
11 as others. So in closing, I'll actually let you
12 speak so you don't have to keep hearing from me.
13 I'm committed to hearing you out, I'm committed to
14 hearing out new ideas, but I also want to state
15 from the get go, we're at a pivotal time in this
16 industry, and tightened regulations are absolutely
17 necessary.

18 And I recognize that it's going to be
19 hard, and I want to do what I can to help people
20 through this difficult time, but the safety and
21 well being and health of these children absolutely
22 have to be paramount, and I know you all agree.

1 So I think that because we share the
2 same goal, we really will be able to come up with
3 regulations that provide the best protection, but
4 are workable for everybody. So with that, I'm not
5 sure who I'm turning it back over -- turning it
6 back over to Rick. But thank you again for being
7 here and for -- thank you in advance for speaking
8 your mind, as I'm sure you all will.

9 MR. RUTH: Thank you very much, Maura.
10 We'll now hear remarks from three representatives
11 of organizations that have been deeply involved in
12 these issues. First I'd like to call on Michael
13 McCarry, who's the Executive Director of the
14 Alliance for International and Cultural Exchange.
15 Mike.

16 MR. McCARRY: Thanks, Rick. I'd like to
17 start, I'll just make very brief comments here,
18 but I'd like to start by thanking Maura and the
19 Bureau for convening this meeting. This is, as I
20 think everybody in the room knows, a very
21 important rule-making. High school exchange is a
22 very important program.

1 And I think having a meeting like this,
2 which has not been the rule, is both reflective of
3 the importance of the programs, but also the
4 shared commitment that Maura just referred to on
5 both sides and the partnership between the sponsor
6 community and the Bureau, so thank you very much
7 for that.

8 I also want to compliment the Bureau,
9 and particularly Stanley and his staff for the
10 quality of this rule. It's very well written,
11 it's very well thought out, it's really one of the
12 best we've seen, so well done on that.

13 There are pieces of the rule, of course,
14 where there are differences of view. The shared
15 commitment that Maura referred to is clearly the
16 case. I know everyone in the sponsorcommunity
17 feels as strongly as the Department does that we
18 want to improve the quality of the program, we
19 want to improve the safety of students. This is a
20 very important activity, it's one of the most
21 effective public diplomacy activities we have.

22 There are things in the rule that we

1 support, there are things in the rule we'd like to
2 tweak, and a couple about which we're skeptical.
3 In the interest of time, I'm going to focus on the
4 two issues that seem to generate the most sponsor
5 concern.

6 One is the proposed prohibition on a
7 single host parent. There's no data that sponsors
8 have about this, about the higher risk, and no
9 sense that single host parents do a poorer job
10 than of a more traditional family. In fact, many
11 really outstanding host parents are single. So
12 we're concerned about it in that sense.

13 But more important to us, it seems to us
14 that it's just discriminatory, that this is --
15 whether these programs are funded by the federal
16 government, as in the case of YES, Flex, Congress
17 Bundestaq or whether privately funded, they are
18 the State Department's programs. And we think
19 it's a concern for sponsors. We don't want to be
20 in the position, sponsors don't want to be in the
21 position of eliminating a particular category of
22 Americans from participating based on their

1 marital status, and we're not sure that the
2 Department wants to be in that position either, so
3 we hope you'll take a look at that because it does
4 feel discriminatory to us.

5 The other piece, of course, which you
6 mentioned, is fingerprinting, where there's some
7 skepticism. You referred -- I know Kristin is
8 about to speak, and you referred to the concerns
9 about NCMEC and whether it doesn't yet have the
10 durable legislative authority to do this and there
11 are questions of capacity.

12 There are other costs involved in this.
13 In preparing our comment letter, the Alliance and
14 its members surveyed current and previous former
15 host families about their feelings about
16 fingerprinting, and 26 percent of the sample of
17 6,200 or so either opposed or strongly opposed
18 being fingerprinted, which suggests this would
19 have a significant impact on hosting in the size
20 of the program.

21 Cost is also an issue we need to think
22 about. USIS's estimate of \$400 per host family,

1 the cost of hosting or fingerprinting would add
2 \$50 million to the program, about a million and a
3 half of appropriated funds and the rest of the
4 money that would be passed on, presumably to
5 natural families, which would make the program
6 more costly. So we'd make the program also make
7 the participants more -- policy issues about which
8 we ought to be concerned.

9 Some of you have undoubtedly noticed
10 that the famous basketball coach, John Wooden,
11 died about ten days ago, and one of his many
12 maxims that I often refer to is this one, "Don't
13 Confuse Activity with Accomplishment". It may be
14 that a fingerprint requirement would make students
15 safer, but we're not aware -- we're not sure of
16 any cases where someone who was a convicted sex
17 offender actually slipped through the cracks of
18 criminal background checks if you recognize this
19 is an imperfect system.

20 So I think we ought to think about
21 whether -- as we move forward, about how best to
22 ensure the safety of students, we ought to think

1 about if this is really the best way to accomplish
2 that, if there's really a serious problem here
3 that this addresses.

4 And in thinking about that -- or if it's
5 just creating an appearance of safety, but not
6 really adding substantively to the safety of
7 students. And in thinking about that, I'll just
8 close with a reference to Maura's talk about more
9 dialogue and with the community. This is too big
10 a group to make -- this is a big enough -- a great
11 group to exchange views, it's not a big -- it's
12 too a big to group to really come up with a plan
13 of action, but we would be happy, the community
14 would be happy to convene a small representative
15 group to talk about these safety issues with you
16 and to go into that discussion with the clear
17 understanding that nothing is off the table when
18 it comes to the safety of students. Thank you.

19 MR. RUTH: Thank you very much, Mike.
20 We'll now hear from John Hishmeh, who's the
21 Executive Director of the Council on Standards for
22 International Educational Travel.

1 MR. HISHMEH: I'm glad I didn't have to
2 follow Maura's presentation. I think she did a
3 good job of more or less setting the framework for
4 what we want to talk about today. At the outset,
5 I also would like to thank the Department, all the
6 different offices in the Department for calling
7 this meeting today. This is the first time I've
8 seen a meeting like this since I've been working
9 with Youth Exchange Programs.

10 Today should be considered a turning
11 point in our relationship with the Department.
12 It's been sort of a rough year in terms of some of
13 the feedback, information, media reports,
14 congressional involvement. Clearly, things are
15 not going to continue. Business as usual is not
16 necessarily the understanding that the community
17 has in terms of the Youth Exchange Program. I'd
18 just like to remind everybody to think back why
19 you got into this line of work. I mean look at
20 this room, this is most everybody that works in
21 some way or another with youth exchange programs,
22 and there's a lot of exchange programs out there.

1 But one of the reasons I started working
2 with Youth Exchange, it made me feel good. We
3 knew these programs were sort of pure and
4 worthwhile and they contributed in a sort of basic
5 way to public diplomacy. They've always been
6 considered the apple pie program. A few years ago
7 I even heard Stanley say, this program, nobody is
8 really worried about it in the sense that it's a
9 solid program.

10 And I think back maybe now five years
11 later, why are we in the fix we appear to be in?
12 There's more media reporting, there's more
13 involvement from the community, and I think
14 there's always more room for improvement.

15 So having said all that, I do consider
16 this a serious turning point in terms of how we
17 approach this endeavor. We're all here because we
18 believe in the programs and we all have positive
19 intent. At the outset, I'd like to just sort of
20 lay that groundwork. Some of you here may not
21 know CSIET. Just briefly, we're a non-profit
22 association that promotes, identifies and supports

1 youth exchange programs. We represent 65 high
2 school program sponsors and over 100 schools and
3 educational partners.

4 The safety and well being of these
5 students, as Maura said and everybody will echo
6 today, I'm sure, is our utmost priority. If the
7 kids aren't safe, the programs don't work. It's
8 fairly straight forward in terms of how these
9 programs, you know, have the great impact that
10 they do.

11 But four or five years ago the
12 Department proposed criminal background checks
13 without definition, whether it's fingerprinting,
14 or name based social security number checks. The
15 CSIET supported that proposal, implemented it I
16 think within a four month timeframe. We all
17 pulled together, we figured out how to do it, and
18 we moved forward, that was in 2006. Every year
19 things seem to change, but the basic work is
20 really finding families and schools.

21 So I think we've had other things we've
22 had to accomplish as a community, and, you know,

1 through this dialogue, once we arrive at a rule
2 that's final and we're working forward, I'm sure
3 there will be plenty of cooperative dialogue on
4 just how to accomplish some of these proposals,
5 some of these new regulations, as we all did in
6 2006. So I'm very interested to see the
7 community's reaction and dialogue today regarding
8 some of these rules, and I guess we're sort of
9 looking forward to getting to a final rule so we
10 can start having a more productive discussion
11 about how and not what we are changing.

12 As others have mentioned, fingerprint
13 criminal background checks, that's the hot button
14 issue, several others, as well. I'm glad that
15 Kristen Anderson is here from the National Center
16 for Missing and Exploited Children. Our neighbors
17 in Old Town, we're glad you made it, and I think
18 we want to hear from you.

19 We've had some preliminary discussions,
20 so we understand some of the initial concerns
21 relative to scope, the load of increase in terms
22 of background checks, the mandate, legislative

1 authority, and also resources to actually do this
2 many extra reviews in that short period of time.
3 So I defer anything I mention on the National
4 Center because we have the experts here from that
5 entity.

6 One of the other things that we heard a
7 lot from our program members is the host family
8 composition provisions, particularly singles
9 hosting, and I think that was one that really,
10 really brought out a lot of people who serve a
11 much -- more straight forward proposal that people
12 can, you know, wrap their heads around and say,
13 what, you know, I'm either for or against. It was
14 a really clear proposal in terms of the countless
15 numbers of singles, empty nesters, people who have
16 raised children, are now widowed, can't host, all
17 these different examples are out there, and I
18 think that is one that I would be encouraged to
19 hear certain dialogue about that, and I'm sure the
20 Department is listening to those concerns.

21 The other issue that we deal with, I
22 mean and there's many that we'll talk about, I'm

1 not here to recap our whole letter, but the other
2 issue was the involvement of education, school
3 personnel.

4 One of the provisions talks about people
5 with positions of authority or trust over children
6 not being able to volunteer as a rep for a
7 program. We took that to mean teachers,
8 principals, people in the school. And as many of
9 you know, host families are hard to find and
10 schools are also very hard to actually bring on
11 board in terms of hosting. We're hearing early
12 warning signs for the budget, the economy, local
13 tax bases, funding for schools, crowding, all
14 these different issues, and having a school rep is
15 a golden rep for many programs, to have somebody
16 part of the school who also is vetted, knows how
17 to deal with adolescents, and I think that's
18 something that, if that were the intent of the
19 proposal, a lot of our school members are
20 concerned about that. There's a lot of concern
21 about being sort of, you know, botched out all
22 together. And that's why we left our comment on

1 that in terms of if that is the intent, that's
2 something that would be a serious concern to the
3 educational community.

4 In general, you know, we support most of
5 the proposals. We understand that after we get
6 past the initial rule, there would hopefully be a
7 lot of discussion between the community and the
8 Department on provisions regarding the training
9 content for local reps.

10 Other issues there sort of would be much
11 better accomplished in partnership with the
12 community, and I think this is obviously an
13 example where the Department is clear on record of
14 saying that's how they're going forward, and I
15 think that that would only result in positive
16 program development.

17 We strongly feel that, you know, with
18 collaboration and communication, things would
19 hopefully result in the best exchanges for the
20 students. One final note I'd like to make is on
21 the issue of data. I'm sure every letter,
22 probably every letter that came in is talking

1 about, you know, how many incidents are there,
2 what's the data, complaints, you know.

3 Way back many years ago I used to handle
4 complaints for the U.S. Department -- U.S.
5 Information Agency. And complaints come in, and
6 we all know how complaints are handled. You have
7 to sort out what happened and figure out at the
8 end if all the information gathering, what the
9 complaint was about.

10 And so the issue of data is very
11 important, not only to establish a rationale for
12 these proposals, but also to, once the final rule
13 is implemented, how is it going, how are these
14 rules impacting the benchmark data that said we
15 have a -- host family screening is the key issue
16 because all these complaints talk about host
17 family issues. Well, if we improve host family
18 screening in one way or another, two years from
19 now we'd like to know are there less complaints
20 about those family screenings.

21 So one point of the data is for
22 rationale, the other point is to measure the

1 impact of the final rule, and that's something
2 that can be difficult when we're making data
3 available to the public, because as you all know,
4 data can be viewed in more than one way. So we
5 recognize the concern of the Department on
6 releasing everything in information data on how
7 program performances are going, but I think at
8 some point the community, either, you know,
9 collects their own data and sort of shares that
10 among each other, self-reported, or the government
11 provides that data to say, here's a picture where
12 we are now, here's a picture where we are two
13 years from now after all these rules have been
14 implemented, and I think, you know, the verdict
15 will be in then on some of the purposes and the
16 points of the rules.

17 So we share the Department's concern
18 about the rationale and the data and we look
19 forward to working with you. Thank you.

20 MS. PALLY: I'm actually going to jump
21 in just on that last thing because it's a great
22 point and one that we've heard repeatedly, and

1 just to say, we are listening. One of the things
2 that we are going to start doing is, releasing the
3 total number of complaints and incidents that we
4 get in a year. And we're not going to identify
5 the organizations or say precisely what it was or
6 release any information, personal information
7 about students, but we do -- we know each of you
8 know the number of complaints and incidents that
9 you report, so this way you'll be able to put the
10 number of complaints and incidents that you have
11 in a better context, because I know you don't have
12 that now. And we can also release kind of the
13 range of, you know, the lowest number of
14 complaints for an organization was X, the largest
15 number of complaints for an organization was Y.

16 I know that's imperfect because the size
17 of the organizations vary, but at least that will
18 provide some context. And I think the idea about
19 looking at the data before and after the regs is a
20 great one and we will do that.

21 MR. COLVIN: Maura, if I may follow a
22 little bit more on that. We actually have

1 discussed this with our Congressional oversight
2 committees. We have very solid statistical
3 information going back for three -- the last three
4 academic years. Generally speaking, there's a one
5 percent incident rate.

6 Now, people will say, well, then you
7 shouldn't be regulating at all if that's the
8 extent of your problem. However, when you're
9 dealing with minor children, a one percent
10 incident rate can be quite alarming depending on
11 what is triggering the incident. Is it sexual
12 abuse, is it unsuitable living conditions? Then
13 you couple that with this is a public diplomacy
14 based program, and these children leaving the
15 United States with the most positive impression of
16 Americans and America is the sole purpose of this
17 activity. So being very sensitive to that
18 incident rate is of great importance to us and to
19 our oversight committees.

20 We have also, for the last -- we will
21 now -- we are in the process of completing our
22 third study on host family placements. Everyone

1 in the room has seen the results of the first, and
2 I believe the second, we'll now provide you with
3 the third shortly. And that report took the form
4 of a report card, if you will, because it compared
5 your program against other programs. So there is
6 statistical information out there. We're happy to
7 provide as much statistical support for making
8 your program better as we can.

9 Now, I had one final thing that falls
10 within the scope I guess of statistics, and that's
11 the general overview of the industry that you're
12 participating in. The total expenditures in this
13 field, you have \$265 million worth of local
14 taxpayers dollars involved in this activity, you
15 couple with that an additional \$345 million in the
16 fees that are paid by students to participate in
17 this activity, and you're looking at a little over
18 \$600 million that is involved in this activity.
19 That's the scope and the scale of this
20 environment. Of that -- and then you have on top
21 of that an additional \$29 million in U.S.
22 Government taxpayer funds going to support

1 government sponsored students.

2 So when you're talking this kind of
3 money, people are going to rightly ask, are we
4 getting the highest possible return for the
5 dollars involved.

6 MR. RUTH: Thank you very much, Maura,
7 thank you, Stanley. It's now my pleasure to
8 introduce Kristen Anderson, who's the Director of
9 the Case Analysis Division of the National Center
10 for Missing and Exploited Children.

11 MS. ANDERSON: Good morning, everyone.
12 I would like to thank you for allowing me this
13 opportunity to speak this morning. My name is
14 Kristen Anderson, I'm with the National Center for
15 Missing and Exploited Children. And I want to
16 introduce my colleague, Dawn Daly, who is the
17 Supervisor of our Background Checks Program. And
18 I know there are some logistical questions and
19 other data related questions, and I'm not going to
20 give a big presentation this morning because we
21 really want to allow this time to hear from you,
22 but we will be here afterwards. I know the

1 meeting needs to conclude at 11:00, but if you
2 have questions, Dawn and I are available to speak
3 with you later.

4 First let me say that the National
5 Center for Missing and Exploited Children, also
6 known as NCMEC, so it's easier to say, we welcome
7 the State Department's interest in having the
8 sponsors participate in our Child Safety Pilot
9 Program and acknowledge the importance of
10 instituting rigorous criminal history background
11 checks for those who volunteer to care for and
12 interact with children.

13 And on behalf of NCMEC, I'd like to
14 clarify our current role and responsibilities with
15 the Child Safety Pilot Program and also clarify
16 the areas of concern which must be addressed in
17 order for us to perform the work described in the
18 proposed rule.

19 To provide a little bit of context, let
20 me explain just very briefly what the National
21 Center for Missing and Exploited Children does and
22 about the Child Safety Pilot Program.

1 We are a private non-profit
2 organization, we're mandated by Congress to serve
3 as the National Resource Center and Clearinghouse
4 on Missing and Exploited Children. We are funded
5 through a combination of federal funds and private
6 sector dollars. We partner with the U.S.
7 Department of Justice to perform various statutory
8 mandates and operational functions to include
9 providing technical assistance to law enforcement
10 on missing child cases, attempted child
11 abductions, sex offender tracking, internet
12 facilitated sexual exploitation of children,
13 prevention, education, law enforcement training on
14 missing and exploited child issues, and other
15 functions related to the victimization of
16 children.

17 Now, about the Child Safety Pilot
18 Program, since 2003, NCMEC has been authorized by
19 Congress to conduct fingerprint based criminal
20 history background checks on volunteer applicants
21 serving non-profit organizations under this pilot
22 program.

1 We have a small team of analysts who
2 review criminal history information provided by
3 the FBI based on a volunteer applicant's
4 fingerprints, and then we provide the non-profit
5 organization with a fitness determination for each
6 volunteer applicant submitted.

7 These fitness determinations are based
8 on specific criteria that was developed jointly
9 with non- profit organizations participating in
10 the original pilot program. NCMEC does not make a
11 yes or a no determination regarding whether a
12 volunteer applicant should serve; instead, these
13 fitness determinations simply indicate whether a
14 volunteer applicant meets, may not meet, or does
15 not meet specific criteria.

16 The non-profit organization always makes
17 the final decision regarding whether to accept a
18 volunteer applicant based on all the information
19 available to them including the fitness
20 determination we provide.

21 In our seven year history of providing
22 fingerprint based criminal history checks for

1 youth serving non-profits, we have developed
2 unique expertise and understanding of this
3 process, as well as an ongoing system to analyze
4 the data generated by this work.

5 Let me say once again that NCMEC
6 welcomes the opportunity to work with the sponsors
7 in the Child Safety Pilot Program. While no
8 national standard on background checks exist, our
9 position is that youth serving organizations have
10 a duty to perform screening checks to the greatest
11 extent they are capable and to provide those
12 checks with consistency.

13 In order for us to perform the work
14 described in the proposed rule, however, we need
15 to be clear about the parameters of our current
16 authorization and the issues that will need to be
17 addressed before we can commit to this project. I
18 understand that a copy of our public comment is
19 being distributed today, so I'm not going to spend
20 a lot of time talking about that, I'll just very
21 quickly hit our points.

22 We cannot process paid employees, we can

1 only process non-compensated volunteers. For
2 profit organizations cannot participate; only
3 non-profits will be allowed to participate in the
4 program under the current legislation.

5 Some challenges that need to be
6 addressed, one is the funding arrangement. To be
7 clear, the National Center does not and will not
8 charge fees for the work that we do, so we are not
9 compensated right now. We have a small team of
10 four analysts, we process about 20,000 checks a
11 year. This project would presumably increase our
12 workload by five times, so we would need to bring
13 on additional staff, and we do not have the
14 dollars to do that at this time.

15 As far as statute limitations go, as
16 I've said many times, using the word "pilot", the
17 Child Safety Pilot Program was set up as a pilot
18 in 2003. It was an 18 month pilot. Clearly,
19 seven years have passed. That pilot has been
20 extended over and over again since that time. But
21 it is a pilot, and therefore, has a cap on the
22 amount of work that we can perform under this

1 legislative authority of 200,000 checks. As of
2 today, we've processed approximately 89,000, and
3 we expect to have processed 105,000 by March 31st
4 of next year, which is when our current pilot is
5 set to expire.

6 We do anticipate that it would be
7 extended, but the fact is, we don't know for sure
8 from year to year. And when we hit that cap,
9 whether or not we still have the statute in place,
10 the cap ends the program.

11 So moving forward, we would say, again,
12 that we are committed to working with the State
13 Department and the other key players involved in
14 this proposal. We believe that all logistical and
15 legislative issues can be successfully addressed
16 if all parties are equally committed and have
17 sufficient time to do this right, which is why we
18 also recommend a one year delay in implementation
19 of the rule.

20 So I would like to thank you again for
21 the opportunity to speak with you. We look
22 forward to working with you. And, again, Dawn and

1 I will be here should you have any questions about
2 data or other fingerprint related issues. Thank
3 you.

4 MR. RUTH: Thank you very much, Kristen.
5 Now we'll get to the part where we open the
6 microphones for your questions and comments, but
7 first, of course, the inevitable housekeeping.
8 First of all, we are transcribing this entire
9 session and the transcript will be posted on our
10 web site as soon as it is prepared.

11 If, for some reason, you don't think of
12 a question or a comment during this period, but it
13 occurs to you the moment you walk out the door,
14 you haven't missed your opportunity. We will
15 welcome your email comments to our email address
16 at JExchanges, which is in our published material.
17 You can email us through the close of business
18 tomorrow, and we will accept everything that
19 obviously is said here today and any follow up
20 comments for our review and as part of the
21 official record.

22 There are microphones in each of the

1 aisles. If you do have a question or comment, I
2 would ask if people start queing up there now. I
3 will alternate between the microphones and direct
4 your questions to the panelists. Please identify
5 yourselves, of course, and your affiliation.
6 Please speak into the microphone so we make sure
7 we capture your comments and so that we make sure
8 we maximize the opportunities here. For everyone
9 to have an opportunity, please keep your questions
10 or your comments focused, if you will. And at
11 this point, I see no one at the microphone, but I
12 know someone is out there pondering and just
13 doesn't want to be the very first person. So this
14 brave soul will break the ice. Thank you very
15 much.

16 MS. REDDING: Thank you. My name is
17 Anne Redding and I am with Youth For
18 Understanding, and I'm a host mother. I'm a
19 physician and I'm a single person. I've never
20 been married and I don't have any children. The
21 reason I came here today, I cancelled patients so
22 that I could be here. And I think that -- I was

1 looking at the -- from the point of view of not
2 allowing single people to host.

3 I got into this five years ago and I've
4 had double placements, I've had ten kids over the
5 past five years that I have hosted. And one of
6 the things that I have gotten out of it, one of
7 the reasons I wanted to come was to show you the
8 face of somebody that this legislation would be
9 affecting directly.

10 I don't quite understand how the single
11 person prohibition would really make children more
12 safe, one thing, but also, one of the things that
13 I do commend you on is, thinking if I was a parent
14 sending my kid to another country, what would I
15 want. And I think being screened -- screening as
16 individuals very carefully is I think probably
17 what I would want for my child. But I don't know
18 that how a family looks as far as who's in it
19 really makes -- really helps you to determine how
20 safe that child is.

21 Anyway, I would be -- I guess for me
22 it's been something that has been a really

1 important part of my life. I have -- was not able
2 to have children, and to be able to have them was
3 wonderful.

4 MR. RUTH: Thank you very much. Maura.

5 MS. PALLY: Thank you so much for coming
6 here. I know that was a big sacrifice, and more
7 importantly, thank you for taking in these
8 students and being obviously a really wonderful
9 host parent over the years. And I truly
10 appreciate your sharing the story, and it is
11 important for us to hear from you and from others,
12 the stories of all different types of host
13 families.

14 And we have certainly heard a lot about
15 the wonderful examples of really wonderful single
16 parent hosts. And this rule I recognize is broad,
17 and this rule I recognize would capture a lot of
18 people that we would actually really like to have
19 as host parents. And it is a net that includes
20 many things, it includes the extreme example of
21 what we don't want, and examples of really
22 wonderful parents like you, and that is -- that's

1 a difficult pill to swallow, it just is, and I'm
2 the first to say that it is a broad rule and it
3 will capture some people that we wish could, in
4 fact, be host parents.

5 But like many regulations, what you look
6 at in creating rules is, what is for the greater
7 good. There are some really great, excellent 17
8 year old drivers and some really horrible 99 year
9 old drivers, but the law is, you have to be 18 to
10 drive.

11 And in creating rules and regulations,
12 you have to draw lines. And from what we have
13 heard and what we see in our experiences, there
14 are some extremely disturbing situations of single
15 parents. In fact, just yesterday an Oregon
16 newspaper reported on somebody who was arrested on
17 ten counts of sexual abuse involving this teenage
18 student that had been living with him, he was a
19 host parent.

20 And I know, you know, everybody says,
21 oh, that's just the exception, but amazingly, this
22 very man from Oregon, and I'll say his name

1 because it's in the press, Craig Ley, had written
2 to us about our proposed rule, and he said, "I
3 have hosted 19 students over the years. As a
4 single father, your proposed rules will prohibit
5 my hosting of students. The proposed amended
6 rules that are being presented aren't fair. It
7 would break my heart to be disqualified because of
8 my marital status." So we have examples on both
9 ends. This one in particular was disturbing and
10 timely because he had actively written in to say
11 these rules would stop me, I've had 19 kids in my
12 home and now I'm being prosecuted on ten counts of
13 sexual molestation.

14 And as I said from the beginning, these
15 are hard decisions to make and they are not easy.
16 But the greater good of recognizing that we will
17 lose some really great host parents, of the other
18 extreme, is something we are seriously
19 considering. But again, I'm so happy to hear your
20 comments, and I understand universally from the
21 community that this is not something that you
22 support.

1 We've also heard on the other end of
2 parents who send their kids, and they say, if I
3 were sending, just as you did, if I were sending
4 my kid to a foreign country, I would much prefer
5 that they were in a family where there was more
6 than one other person, so if something did go
7 wrong, there would be somebody else in that family
8 that they could talk to. And there is a level of
9 discomfort out there about having single host
10 parents. So I, again, appreciate hearing your
11 thoughts on this, and it's absolutely something we
12 will take into consideration as we move forward to
13 the final rule, but that's our thinking behind
14 this.

15 MR. RUTH: Okay, thank you. Yes, sir.

16 MR. BRONSON: My name is Dan Bronson.
17 Both of my daughters have been exchange students.
18 We've hosted 22 students over the years. And I'm
19 President of the North American Youth Exchange
20 Network, which represents all the rotary youth
21 exchange programs in the United States, Canada and
22 Mexico. I'm also the past Chair of Eastern

1 States, which is all the rotary districts from
2 Canada to North Carolina, 15 states.

3 While we count for just under ten
4 percent of the inbound high school exchange
5 students in the United States, we represent over
6 40 percent of the American students going abroad
7 for each academic year.

8 We always hold the safety and well being
9 of our exchange students as our utmost
10 responsibility and constantly strive to improve
11 those and all aspects of our programs. We
12 strongly support the Department's efforts to
13 enhance the safety of exchange students. However,
14 we believe that one aspect is redundant,
15 unnecessary and neither effective, nor efficient.
16 Our greatest concern is the proposed change
17 mandating FBI fingerprint based criminal
18 background check. The incremental value of
19 requiring an FBI background check versus the
20 information available from other sources, for
21 example, commercial vendors, is not only unclear,
22 but apparently negligible.

1 As the Department has indicated in its
2 notices, the data on the FBI data base is not all
3 inclusive, it does not include all criminal data,
4 and it does not include all states.

5 The Department also indicates that this
6 is true of the data maintained by private vendors,
7 as well. However, there's been no indication in
8 the notices published to date of an analysis
9 indicating the material overall superiority of an
10 FBI fingerprint based background check versus such
11 results of private vendors.

12 With 27,000 exchanges annually, the
13 State Department has given no indication of any
14 incidents where the individual were cleared
15 through a private vendor, but a past offense would
16 have been discovered with an FBI fingerprint
17 background check. There are also significant
18 administrative issues associated with requiring
19 the FBI check. First there's the issue of
20 availability of locations to obtain fingerprints.
21 In metropolitan areas, there may be many options.
22 However, in rural areas, it may be necessary for a

1 person to travel a significant distance to a
2 location at which the fingerprints can be taken,
3 for example, another town. I personally had to
4 travel an hour and a half.

5 Obviously, this will require a
6 significant effort on the part of the host family
7 member, especially when compared to the option of
8 granting permission to a private vendor to run a
9 background check by just signing a form in the
10 comfort of their home.

11 A major decrease in the number of host
12 families will surely result due to this
13 administrative burden placed on them. The number
14 of inbound students will also decrease, and
15 likewise, the number of outbound American students
16 will decrease as a result.

17 In addition to the effort on the host
18 family to obtain a background check, there's also
19 the major issue of processing time. The FBI web
20 site says it may take up to 12 weeks to process a
21 fingerprint based check. This ignores the effect
22 of 30 to 40 percent failure rate for ink and paper

1 fingerprints. Assuming that school begins on
2 August 1, and it takes two months for a student to
3 get a visa and travel to the U.S., after getting
4 their DS 2019, all FBI fingerprint based requests
5 for host families would have to be completed by
6 March 1st in order to be assured the results will
7 be available by June 1, so the student could
8 arrive on August 1st, when some school districts
9 begin.

10 Typically in March, few, if any, host
11 families have been recruited. In fact, student
12 applications from some third world countries do
13 not arrive in the U.S. until May or June.

14 As a comparison, we can obtain the
15 results of a background check from a private
16 vendor in 24 hours or less versus up to 12 weeks
17 for the FBI. There's also a significant financial
18 effect. The cost of an FBI fingerprint based
19 check is 40 times more than a current cost for a
20 private vendor.

21 The cost of an exchange will have to
22 increase significantly to cover this expense,

1 thereby, potentially placing the program out of
2 the reach of students from less financially
3 advantaged families for whom the program would
4 have had a great effect. Many exchange students
5 are hosted by small rotary clubs in small towns,
6 and these new requirements will be more than they
7 can handle. Since we have two to three host
8 families per student, we project an additional
9 expense of up to \$1,500 per student that must be
10 borne from club resources that are currently
11 designed for community and world improvement
12 projects. We strongly urge the Department to
13 withdraw its requirement of an FBI fingerprint
14 value based check.

15 Our second major concern is the annual
16 background check. Many organizations in which
17 people work with youth require background check of
18 a new applicant, which is very much needed to help
19 ensure the safety of our students. However, it is
20 common for such checks to occur on a once and done
21 basis.

22 The background check is required of a

1 new applicant, but is not required again at all.
2 This is true in most cases for teachers, youth
3 workers, et cetera. The requirement by the
4 Department of an annual check is not warranted for
5 those persons in continuous service and is not
6 justified based on the practice of other
7 organizations dealing with youth.

8 If a person in continuous service has an
9 issue, that will be identified in a subsequent
10 background check. The organization with which
11 that person is associated on a regular basis will
12 surely know that incident due to the close contact
13 required between the organization and the person
14 with which it works. Of course, if there is a
15 break in service or a change in location, then a
16 new background check should be required. However,
17 an annual background check should not be required
18 of those who have continuously served.

19 We recommend the Department require a
20 background check every five years for those
21 persons with continuous service in an exchange
22 organization. On behalf of Rotarians across North

1 America, thank you for the opportunity to express
2 these concerns.

3 MR. RUTH: Thank you very much, sir.
4 Maura.

5 MS. PALLY: Thank you for traveling so
6 far to come here, we appreciate it, and thank you
7 for your years of commitment to this program and
8 for making the programs what they are. I hear you
9 on the challenges, and your specific examples of
10 exactly how this will be challenging is very
11 helpful, because as I've said, we recognize that
12 this is not ready to be implemented tomorrow and
13 there are a lot of remaining questions that we
14 need to work through, so this information is very
15 good for us.

16 In terms of the difference between the
17 private criminal background check, which is the
18 name and the social security versus the FBI check,
19 if it's okay, I'd like to call Kristen, who would
20 probably do a better job than I would with the
21 statistics rather than the State Department, the
22 people who are actually the experts in this area,

1 if that's okay.

2 MS. ANDERSON: I would be happy to send
3 out more comprehensive data to everyone also
4 through CSIET and the Alliance, whatever is the
5 best way to get to all of you to give you more
6 comprehensive information. In our statistics,
7 what we found over the past seven years is that,
8 of the 89,000 records that we've checked, there
9 are consistently two percent which fall into the
10 red category.

11 Of that two percent, there are 25
12 percent approximately, which the applicant was
13 using a different name than was the one that they
14 were convicted under, so they would not have been
15 caught under a name based check or any other
16 means.

17 The FBI's data base in terms of criminal
18 history information is much better than it used to
19 be. All states are participating now, and so it
20 is much more comprehensive. The states don't
21 necessarily release all criminal information to
22 private vendors, so private vendors are going to

1 have a smaller -- while they may have a very good
2 subset of the criminal data that the FBI has, it
3 is going to be missing -- it's going to be smaller
4 than what the FBI contains. So from our
5 statistics, I realize that 25 percent of two
6 percent sounds like a very small amount, but I
7 think it goes back to the points that have already
8 been raised this morning. If they were my
9 children, it doesn't matter if there's just one or
10 two, I think that our interest is to try to be as
11 comprehensive as we can, and so that's from our
12 standpoint.

13 MR. BRONSON: Private vendors, in our
14 experience, as well, is that we have a two to
15 three percent red rate on ours, as well, so I --
16 that's where the confusion comes in in terms of
17 what's the advantage when the results are the
18 same, no matter whether we -- I mean they're not
19 the same, they're interlaced in terms of where the
20 sources come from and the results, but the bottom
21 line is no different, so --

22 MS. ANDERSON: We could send out more

1 comprehensive information. One other point that
2 you raised this morning was about the time, and I
3 wanted to address that very quickly, that through
4 our program, we have a less than a 72 hour
5 turnaround from the time that the prints are
6 submitted to us and the time that we release the
7 fitness determination is usually less than 72
8 hours, usually around 48, but --

9 MR. BRONSON: And that's with 20,000 a
10 year as opposed to 140 or 150,000 a year?

11 MS. ANDERSON: Yes.

12 MR. BRONSON: Okay, thank you.

13 MR. COLVIN: If I can add a little to
14 that, I believe that everyone has a copy of the
15 comment letter from the state of Florida. Did we
16 pass those out? The state of Florida is currently
17 fingerprinting volunteers, 132,000, at a cost of
18 \$33, and a turnaround of three days. So as I
19 understand it, there are 13 states that are
20 involved in this similar process. The states
21 access the FBI criminal fingerprint data base.

22 So concerns about delay, concerns about

1 cost are very real, and we're examining them
2 fully, but we would like to get everyone in the
3 room and in the -- this particular exchange
4 activity basically on the same page, and that
5 would involve how many are actually going to be
6 required, you know, the number, you'll hear the
7 number go from 60 to, as you suggested, 150,000.
8 And, quite frankly, sir, that's an interesting
9 point because of the rotary model, because instead
10 of having one host family, the rotary is going to
11 have three over the course of that placement year,
12 and so, yes, you're quite correct that that adds
13 to the aggregate number of checks that will have
14 to be made. As Maura has pointed out, as everyone
15 understands in the room, we're not ready to do
16 this tomorrow, but we need to examine and look
17 very closely at the underlying policies here.

18 The states are saying volunteers need to
19 be fingerprinted, the Congress has said volunteers
20 need to be fingerprinted, that's what this pilot
21 project that NCMEC has is all about, that's what
22 these 13 states that have already adopted this,

1 that's what this is all about. So change is
2 difficult for everyone, but I think our best road
3 forward is going to be, you know, a cooperative
4 and fully cooperative approach to this.

5 But to say that it can't be done, well,
6 the facts suggest -- clearly demonstrate
7 otherwise. To say that it's going to be
8 extraordinarily expensive, again, the facts
9 clearly demonstrate otherwise. It's just the
10 matter of finding one approach that will work best
11 for this particular audience and the volunteers
12 that are involved in this activity. Thank you.

13 MR. RUTH: Now we're going to switch
14 over to this microphone.

15 MR. WALKER: Hi, good morning. I'm Jim
16 Walker, I'm a volunteer with AFS in our cultural
17 programs and currently a volunteer in Washington,
18 D.C., and have been for years before that in
19 Michigan, before I moved to the area. And I'm a
20 data guy, and I just really encourage you to
21 provide the public with the data that you're
22 basing these regulations on.

1 I think, being a volunteer, when I'm
2 going to go to the School Without Walls near here
3 and talk to host families and then tell them that,
4 you know, some families can't host because of this
5 or that or the other, they're going to be upset
6 with me. And I think that it's important for
7 those people to know the facts. So I really
8 encourage you to release the data, make your
9 decisions on the data, because it's very
10 important. Thank you.

11 MR. COLVIN: Thank you. We have the
12 data and we're happy to release it.

13 MR. RUTH: Okay, very good. Yes, sir.

14 MR. IMFELD: Good morning. I am
15 Christoph from Switzerland. I'm an exchange
16 student right now here in the U.S., and I'm
17 staying with Ms. Redding. She's a wonderful
18 exchange mother, and I had a wonderful year here.
19 And I just wanted to say that I think it's not
20 really fair like to exclude like single parents,
21 because like if you're like starting these
22 background checks like with fingerprints, I mean

1 wouldn't that like already like pick out those
2 people who are like possible offenders or people
3 who would like do criminal activity?

4 Because like just excluding single
5 parents because you see that the potential could
6 be for like a sexual offender, more in this
7 category than in others, that's probably true, but
8 if you're already like trying to make other like,
9 sorry, I'm a little nervous --

10 MR. COLVIN: You're doing a great job.

11 MR. IMFELD: But I guess you see my
12 point.

13 MR. RUTH: Thank you very much, and
14 thank you especially for undertaking this great
15 adventure with us, we appreciate that. Maura, any
16 comment? No, all right. Yes, sir.

17 MR. PETERS: Good morning, thank you.
18 My name is Donald W. Peters, I'm the Executive
19 Secretary at the South Central Rotary Youth
20 Exchange. It consists of rotary districts in 15
21 states, ranging from South Dakota to Texas and
22 Arizona to Alabama. In our procedures, an inbound

1 student is typically accepted in exchange for an
2 outbound student that we sponsor, and therefore,
3 the regulations, while they obviously affect the
4 number of inbound students, there will be a
5 secondary effect on a number of the outbound
6 students from our community as a result. As has
7 been stated, we certainly hold the safety of our
8 exchange students, both inbound and outbound, to
9 the utmost importance.

10 And we have policies and procedures that
11 strictly adhere to all our regulations and are
12 driven to bring forth to the forefront our
13 exchange students' safety. Although we hold the
14 safety of our students utmost, it's unfortunate
15 and a fact of life that there are no guarantees.

16 You mentioned some examples -- excellent
17 examples of terrible situations this morning that
18 effected numerous students, but we cannot, no
19 matter ultimately what we do, I don't know that --
20 the only way that we can get 100 percent safety
21 always is to have no students. I mean there's
22 just -- you just cannot regulate the safety to 100

1 percent.

2 So as you indicated earlier, we have to
3 balance it, we have to balance with the
4 regulations versus the effectiveness. We strongly
5 support the Department's efforts to enhance the
6 safety to students, and there are four rules that
7 we do have concerns with, the other 12 we think
8 are find. Dan Bronson has mentioned our concerns
9 about the CBC's, and I just wanted to briefly
10 mention other three. The first, as has been
11 mentioned, is the single adults of host -- school
12 aged children on a temporary or permanent basis.

13 Some of our very best host families were
14 single adults, and that's because they had the
15 time to devote to the needs of exchange students.
16 We don't have any potential for sibling rivalry
17 within the host families, which becomes a problem
18 at times. They have past experiences on how to
19 raise teenage children, which provides them a good
20 background to address any issues that come up.
21 And for those reasons, we do recommend to not
22 prohibit single adults.

1 You gave an example of, well, what else
2 -- if there's an issue, the student needs someone
3 to turn to, and they certainly do, but as a result
4 of other regulations, the local coordinator and
5 other program representatives hold it well.

6 The second issue is the timing of the
7 host family orientation. We agree totally that
8 the orientation and the interview process should
9 be separate, but we're unclear why it matters
10 which comes first. In some of our cases we hold
11 orientation first, for people who are just
12 considering becoming host families. When they
13 learn the responsibilities of the programs, they
14 decide, this is not what I thought it was, maybe
15 this is not something I want to do, and as a
16 result, do not follow through with the application
17 process. The normal process is reversed, they
18 apply first, get accepted, and then are oriented,
19 but we don't see a need for always following one
20 structure or the other.

21 The third is removing of items from the
22 student's possession. We strongly believe that

1 it's the best practice to remove from the
2 student's possession any significant government
3 documents, such as the passport, the DS-2019, I94,
4 and et cetera, immediately upon arrival and place
5 them in a secure place like a safety deposit box.
6 This ensures that the students do not lose these
7 critical government documents while they're here.

8 Many of them do not quite understand how
9 important these documents are and their
10 safekeeping and it's not as critical to them as
11 they are to our program. And unfortunately, the
12 requirement to replace a passport or a DS 2019 is
13 not pleasant to go through. We also believe that
14 the documents should be removed to reduce the
15 program of flight risk. Unfortunately, if a
16 student retains his or her passport, there's
17 always the possibility they decide, hey, I'm going
18 to another country, leave the program and take
19 off. If they don't have their passport, at least
20 we've eliminated that possibility.

21 We also suggest that it is not proper to
22 remove -- to have the ability to remove a

1 student's telephone and computer from their
2 possession if the situation warrants. We cannot
3 -- we have to allow the student reasonable access
4 to the telephone and email per regulation but it
5 is at times necessary to remove access to
6 telephone and computer based off of conduct.

7 For example, I learned last night, one
8 of the host families said their student that
9 they're hosting broke a household rule, and they
10 treated him like their own kids, what did they do,
11 they grounded him for the week and took the cell
12 phone away. I mean that's what they did for their
13 kids, so that what they did for the exchange
14 student.

15 The exchange student had access to the
16 house phone, just like everybody else did, but
17 they took the cell phone away. So, you know, we
18 have concerns about prohibiting the host family
19 removing telephone or computers from their -- and
20 passports from the possession of students. I
21 appreciate the opportunity to share these thoughts
22 and concern with you and are happy to answer any

1 questions you have. Thank you so much.

2 MR. RUTH: Thank you. Maura.

3 MS. PALLY: Thank you and thank you for
4 coming and your many years of commitment to the
5 programs. Just going through the four that you
6 brought up, I think we touched on the single
7 parent, but I hear you and I hear that this is a
8 clear message from the community.

9 Again, when we open for public comment,
10 it's for everyone, the people who come to this
11 meeting, by and large, and the people who are in
12 the industry, but we also have public comment from
13 parents and other outside who aren't operating in
14 these organizations, but have sent clear word
15 about their feelings on single families. But
16 again, the comments we're still working on
17 listening to, so I appreciate hearing them.

18 We've also heard a lot from the
19 community on taking away of the items, and I think
20 we've heard very good feedback which has been
21 incredibly helpful about the rule that taking away
22 phones or computers, are involved in discipline,

1 so I think that that's something we're definitely
2 considering. Do either of you want to address why
3 it was in there initially? You can explain that a
4 little better, the phones and the documents.

5 MS. LAWRENCE: Yes, we had a -- in
6 writing the proposed rule, we had a lot of
7 complaints that came in, we reviewed the
8 complaints, and we had a lot of complaints about
9 the computers and the telephones being taken away
10 from the students. We also had their documents
11 that were taken. A host family took the documents
12 and put them in a safe place. But when something
13 happened in the relationship between the student
14 and the host parents, the host family would not
15 turn over those documents. So there are a number
16 of issues that are being considered and put out
17 there for discussion.

18 MR. COLVIN: It's a difficult call on
19 the documents part. The law, not ours, but the
20 actual law, the United States law, requires that
21 these documents be in the possession of sometimes
22 the lack of understanding that a youthful visitor

1 may have about their documents, and certainly that
2 would have been the case many years ago, but 16
3 and 17 year olds are a lot more sophisticated than
4 they used to be and travel a whole lot more than
5 they used to, in most cases, of the program
6 participants that we have here. So the
7 safeguarding argument, I understand it, it's
8 appropriate for perhaps some, but clearly, it's a
9 violation of our own statutes, so there has to be
10 some type of a balancing test and the full
11 appreciation of that legal requirement by
12 sponsors.

13 On the computer and telephone, yes,
14 children today are disciplined by having their
15 cell phone taken away. I can't text my BFF, and
16 that works. However, whenever there's a placement
17 gone bad, if you will, if you've taken away the
18 child's ability to get help, you know, if you've
19 taken away their one way to, you know, I need
20 help, you've put that child at an enhanced or
21 intensified risk.

22 So, again, it is a balancing test, we

1 understand completely the two sides, and we thank
2 everyone for, you know, emphasizing the here's why
3 it's needed and in place, and that will be
4 basically a cost benefit analysis of where that
5 should resolve itself.

6 MS. PALLY: The other issue you brought
7 up about timing, maybe -- better explain why --
8 the rationale behind that would be more helpful.

9 MS. LAWRENCE: Sure, this was the issue
10 about the host family orientation being conducted
11 after the host family application process was
12 completed and the family accepted. We have had a
13 number of complaints from host families saying
14 they never got -- never received an orientation at
15 all, or that the orientation -- someone came to
16 their house, knocked on their door, they were
17 interested, filled out the papers, they had an
18 orientation -- they had an introduction to the
19 program, next thing they knew, they had a child
20 being sent to their home.

21 So we're concerned that the proper steps
22 are followed and that the host families get a

1 complete orientation after they've been accepted
2 into the program and they've been cleared.

3 MR. COLVIN: Sometime around the middle
4 of September, we will, every year, begin to
5 receive telephone calls from families that say, I
6 didn't sign up for this, this kid needs to get out
7 of my house, I'm here to be, at best, a temporary
8 parent host, that's how it was pitched to me, now
9 it is September the 15th and the child is still
10 here, and I've got other stuff to do, what are
11 you, the Department, going to do about that today.

12 Now, I note that the room is full of
13 rotary, YFU, and perhaps AFS volunteers and
14 program members. These three programs are
15 different than the other programs that are part --
16 that fall under the umbrella of these secondary
17 high school exchange sponsors. These three--
18 Rotary, YFU, and AFS-- are actually volunteer
19 based. And, quite frankly, I would agree with
20 your position that you have a higher understanding
21 of what it is that you're involved in,
22 particularly with the rotary programs. But rules

1 have to apply to all, so that's where this is
2 coming from.

3 MR. RUTH: Okay. Then over to this
4 aisle, ma'am.

5 MS. GOOD: Yes, Cathy Good from
6 Providence, Rhode Island. I'm an AFS volunteer.
7 As the volunteer who coordinates AFS activities in
8 Rhode Island, I am also committed to the safety
9 and well being of all the exchange students that
10 we host. And I also applaud the State
11 Department's commitment to make sure that the
12 rules and regulations that govern exchanges
13 promote student safety and well being.

14 However, I have serious concerns about
15 the definition of the family role. I have hosted
16 four times myself, twice before my husband passed
17 away, when my girls were still in high school, and
18 twice as an empty nester after my husband's death,
19 and I have to say that all four experiences were
20 wonderful. My students were well integrated in
21 the family, the community, our church and school.
22 And, you know, it's difficult to see how a blanket

1 restriction like the one that you're proposing
2 actually promotes student well being.

3 We have hosted -- had students hosted
4 with single adults. You know, a certain
5 percentage of all of our placements are of that
6 sort. And those parents are as well screened and
7 as well supported by local volunteers on the
8 ground, in the same community, as traditional
9 families would be. So, you know, it's not clear
10 to me if the proper supervision of the students is
11 happening on the ground, all of these issues that
12 you're talking about actually are mitigated
13 severely.

14 So we don't have students who can't call
15 someone because they see people all the time who
16 are involved in the program. And they have a
17 whole network of people that they can turn to even
18 if they don't have a teenage host sibling.

19 So, you know, I would just urge you to
20 analyze the data, in other words, saying this
21 percentage of people have a problem, and, you
22 know, we've discovered that they want to host or

1 they want to be volunteers and they would, in
2 fact, be dangerous to young people. I mean it's
3 important to know whether they would be found
4 through some existing mechanism rather than to
5 just say we're going to get 25 percent of two
6 percent by doing, you know, what we're proposing
7 to do. And the other thing is, I realize that the
8 rules have to be the same, but maybe rules can be
9 crafted in a way that more effectively takes care
10 of the problems that you're talking about.

11 As you just said, it's important that
12 host families have real orientations. You know,
13 we keep them for a whole day, and we go through a
14 whole lot of things, and we show them videos, and
15 we have them meet with their liaisons.

16 And, you know, I have eight people,
17 eight families coming to the library on Saturday,
18 and we'll spend the day together talking about
19 what it means to be a AFS host family. Whether
20 that happens before they're fully screened or not
21 is not the critical issue, the critical issue is
22 that it happens, and that they have a community of

1 people who are supporting the placement so that
2 they know who to turn to, you know, if there's a
3 problem, and the students know who to turn to.
4 The liaisons are well trained, and, you know,
5 everybody is in close communication all the time.
6 Now, maybe that's hard to legislate, but that's
7 what you need to be focusing on, is how to make
8 that kind of support happen rather than these, you
9 know, the easy fix, which is to say, okay, some
10 sexual predators want to get access to high school
11 students so they may decide to host as a single
12 person. I mean I think that's easy for you to do.
13 The other thing is harder, but I think it's the
14 more effective.

15 So I would hate to see people like me
16 excluded as host parents. I mean I was an
17 exchange student 41 years ago, I've been involved
18 in AFS all my life, and I think I have a lot to
19 offer. And, you know, the other people who host
20 as single adults in our area do, as well. So I
21 hope that we're not blanketly excluded, I hope
22 there's a more sophisticated and subtle way to

1 make sure that our students are safe. Thank you.

2 MR. RUTH: Thank you very much. Maura.

3 MS. PALLY: Thank you, and thank you for
4 being a host mother and a great one. I think,
5 clearly, you would fall under the category of
6 single host parents like you, as well, who it
7 would be a real shame to lose. I think it's
8 important to note, and I know this was brought up
9 earlier and I meant to mention it, about 100
10 percent guarantees that just doesn't exist. And
11 we are under no illusions that any type of
12 criminal background check or any type of
13 regulation is going to guarantee 100 percent we're
14 not going to have problems in this field, but that
15 doesn't mean we don't do anything. We have to do
16 absolutely everything we can in our power to bring
17 down the number of problems, and I firmly believe
18 that. We will never guarantee that we are weeding
19 out everybody, but that doesn't mean that we sit
20 back and relax.

21 So I recognize criminal records are not
22 perfect, I recognize all of our rules are not

1 perfect, but if they will improve things, then
2 that's a step forward. I think it's a very valid
3 point you bring up that if the systems -- many of
4 the systems that are already in place when they
5 work perfectly would catch things before they
6 happened, but unfortunately, we see far too many
7 examples of the systems that just don't work.

8 A student should be able to reach out to
9 their local coordinator, a student should be able
10 to reach out to their school, a student should be
11 able to reach out to X number of people, and if
12 the local coordinator isn't working, then they
13 would have four or five other people to go to. We
14 see time and time again that that just isn't the
15 case, that the student will go to the one person,
16 and if that one person doesn't work, they're
17 either threatened or they feel like they don't
18 have other avenues. And I know you cringe, I
19 cringe, too, it's unfortunate that that happens,
20 but that's the reality that we live in. If
21 everybody involved in this industry was, you know,
22 a perfect person who acted as they should and

1 acted as we hoped, we wouldn't need regulations,
2 but we do.

3 So what is the balance? And I know this
4 particular rule of the single parents is a hard
5 balance. And a criminal record check should check
6 -- should find people, but unfortunately many
7 people out there with various schools don't have a
8 criminal record, they don't have a stamp on their
9 back saying I'm a bad one, and unfortunately, we
10 don't find out until it's too late.

11 So what do we look at to try and figure
12 out how do we catch that before it happens? And
13 this is one of those rules where we say we are
14 going to weed out some good with some very, very
15 bad, because a criminal record check won't find
16 them.

17 And again, I'm hearing all the comments,
18 and we are definitely listening to them, but
19 that's the thinking behind it. So I hear you and
20 I know that it really would be a big loss to have
21 parents like you not be eligible, and frankly,
22 myself, I wouldn't be able to do it under this

1 rule, so I know quite personally that this is a
2 bitter pill.

3 MR. RUTH: Okay. Yes, ma'am.

4 MS. HELT: My name is Sharon Helt, I was
5 the beneficiary of an AFS scholarship over 40
6 years ago, spent a year in Brazil, and I have been
7 a volunteer ever since, for more than 40 years.
8 In my role, I've welcomed about 250 students to my
9 hometown, Anne Arbor, Michigan. I applaud your
10 efforts to engage in dialogue to explore ways to
11 help ensure meaningful, safe and educational
12 experiences for students, and I appreciate the
13 opportunity to speak. I have a very short comment
14 and then a question.

15 In my experience, the single most
16 important factor to ensure student safety is for
17 students to be welcomed by a community of
18 volunteers, any one of whom they could turn to for
19 advice or help.

20 In our chapter, they meet routinely,
21 seven or eight volunteers who are personal faces
22 to them and they have multiple contacts throughout

1 the year, and when they attend our community
2 activities, they meet up to 100 volunteers, any
3 one they could turn to.

4 Too often a student, however, is dropped
5 into a distant community with a single point of
6 contact. If that contact is compromised, the
7 students find themselves alone. And I think this
8 negatively effects our industry because at that
9 time the students usually find their way to a
10 counselor or a principal and ask for help, and
11 often I get those calls from other organizations.
12 I encourage you to require multiple points of
13 contact for each student.

14 My question is this, as I was discussing
15 this in my -- with people, I recently learned of a
16 case of someone who has worked for three different
17 organizations, and this person is married. He has
18 been charged at one point with criminal sexual
19 conduct, several counts, with exchange students.
20 The students did not press charges, they chose to
21 go home instead, so this person, I believe, my
22 question to you is, would this person appear on a

1 background check?

2 MS. PALLY: He wasn't convicted of
3 anything?

4 MS. HELT: Correct.

5 MS. PALLY: Then no. No, I'm not -- I
6 am under no illusions that everyone with bad
7 intentions is single, and under no -- I mean under
8 no illusions that this is going to solve the
9 problems. Do I believe it will make it better?
10 Yes. Do I believe it's going to solve it?
11 Absolutely not, no. And I know they -- people we
12 don't want hosting come in all shapes and sizes,
13 and it's not just molesters. I mean we have many
14 situations where kids are placed in sub par homes,
15 they're not given adequate food, they're
16 mistreated. It isn't just one type of offense
17 that we're looking at. We're trying to clean up
18 the entire industry and figure out how do we set
19 the floor and how do we set regulations with teeth
20 so that once there are problems, we're able to
21 enforce them.

22 Because that's another part of this. We

1 have a big responsibility to enforce these
2 regulations. And I know people -- I think
3 everyone in this room agrees, people who are doing
4 a bad job and putting kids in bad homes shouldn't
5 be operating.

6 But in order for us to enforce, we need
7 regulations that are objective, we need
8 regulations that are enforceable. One example,
9 which is absolutely crazy, but is the truth, we
10 found an organization who placed a student with a
11 convicted felon.

12 It was in their file, they knew they
13 were a convicted felon, and we said, what are you
14 doing, you can't place a student with a convicted
15 felon, who -- what responsible adult would want to
16 do that, and they came back to us and said, it's
17 not against your regulations, where in here does
18 it say we can't place a student with a convicted
19 felon? Now, I think all of our reasonable person
20 standards find that abhorrent, but legally, it's
21 hard for us to enforce. So while these -- it is
22 challenging. How do we find the balance between

1 drawing straight lines that we can enforce that's
2 going to affect some people adversely, if we draw
3 a line in the sand that says nobody with a
4 criminal record can host, well, then what do we
5 get, well, I had a DUI 25 years ago, that was, you
6 know, I'm now clean and sober, been sober for 20
7 years, you know, I was 19, there are always going
8 to be exceptions, that's the nature of
9 regulations, and the trick is really finding that
10 balance.

11 So for us, we need to find a balance
12 between having regulations that do draw lines so
13 we can then turn around and enforce them, because
14 I think everybody would agree, we want to get the
15 people who are doing poor placements out of the
16 business of doing it, but that does require
17 empowering us to have something that's
18 enforceable. Thank you for your comments and I
19 really like your comments about having multiple
20 outreaches for students. I don't know if you'll
21 find agreement with all the other placement
22 organizations because we have gotten pushed back

1 on kind of mandating that, but I personally think
2 that's very good. I think it soon should have
3 multiple avenues of people to reach out to,
4 because in many instances where problems come up,
5 they felt like they only had one person, and then
6 that one person has a lot of power over the life
7 of one student, so thank you.

8 MS. HELT: And I guess this begs a
9 follow up. Does the Department of State offer any
10 platform where organizations could do a cross
11 check, so that if we discover someone who should
12 not work with exchange students and they move to
13 another organization, is there some place that we
14 could share this information?

15 MS. PALLY: It's a tricky one.

16 MR. COLVIN: We're looking at exactly
17 that in the proposed -- in the supplementary
18 information of the proposed rule. We're looking
19 at, by imposing or requiring training for all
20 community reps, the training that we think, the
21 Department thinks everyone should have so that
22 there is a shared body of knowledge, so that there

1 is a shared understanding on the part of all the
2 coordinators working in this field about what it
3 is that they're actually doing, not how it is at
4 -- not how it was pitched to them second and third
5 hand by someone working on behalf of the
6 organization that is placing the student. So part
7 of that required training will -- what will come
8 from that will be this pool of -- there will be a
9 data base that says these people have taken the
10 training, have passed the training, and it'll be
11 maintained annually. If there were some reason
12 why the Department determined that this person
13 should no longer be involved in placing students
14 and supervising students, we will then be able to,
15 you know, basically prohibit them from
16 participating in the training, and thereby kicking
17 them out of the system.

18 So this movement of questionable Uriah
19 Heep type community coordinators, if you will,
20 that'll be the way that they're going to get out
21 of the system, so we're working on that.

22 MS. PALLY: I think that brings up also

1 another real challenge in the industry, which is,
2 what do we do when we have accusations; and there
3 are two things, there's the coordinators and then
4 there's problematic host parents. And how do we
5 -- if there's accusations against the host parent,
6 how do we get -- I think it's called organization
7 surfing. If there was a problem with one host
8 parent, and an organization finds out and
9 basically blacklists them, but they don't have a
10 criminal record, they aren't convicted of
11 anything, but you know from the accusations this
12 isn't somebody you want to place your kids with,
13 they then leave one organization and go to
14 another. How does -- and, you know, in an ideal
15 world, I wish there could be a list that the
16 lawyers are going to -- not the Department of
17 State involved, but a list of people that we know
18 we don't want to be host parents.

19 And I think it's a challenge to the
20 community, and I encourage the community of
21 organizations to get together and to figure out
22 how can you better share information about people

1 that you know to be problematic, because I think
2 there are, again, exceptions to the rules, but
3 there are people that go from one organization to
4 the next, and we know they have a history of
5 problems, and then they'll reappear.

6 And how can organizations share better
7 information within themselves? It's not something
8 the Department of State can do if spreading, you
9 know, names and accusations, but I think it would
10 behoove the whole community to improve information
11 sharing on that front.

12 MR. COLVIN: And if I may circle back on
13 one other issue that you raised, and that's the --
14 when you have a criminal background check, what is
15 it that you're actually examining, and at what
16 point should someone be screened out, deemed
17 ineligible for hosting? And there are -- there is
18 a shared body of understanding in law, if you
19 will, though it may be administrative, that
20 outline the criterion offenses, if you will. One
21 would be, there's six, any felony of any kind,
22 crimes involving sexual relations, you know, even

1 if this is a misdemeanor and even if it is a
2 victimless crime, pornography or prostitution,
3 crimes involving controlled substances, that would
4 include DUI's and drugs, crimes that involve force
5 or threat of force against a person, and crimes
6 that involve cruelty or abuse to animals, and then
7 finally any arrest for a crime against a minor.

8 I find it difficult to understand why
9 someone would suggest that anyone that fell within
10 those six criterion offenses would have any right
11 to any type of review for possible inclusion as a
12 host parent. But, believe me, I have
13 organizations that will attempt to argue that
14 particular point. I think it's, quite frankly,
15 absurd.

16 We have right now before us a situation
17 where an organization conducted a criminal
18 background check, not once, not twice, but three
19 times, each year, and proceeded to place a child
20 with a murderer, knowingly -- having performed
21 their criminal background check with this
22 particular person had been -- is a murderer and

1 had served 15 years, you know, for that particular
2 felony. I am speechless at the lack of judgment
3 that is involved on the part of a program sponsor
4 that would do such a thing, but nevertheless, this
5 happens.

6 MR. RUTH: Thank you, Stanley. I'm
7 going to violate the usual rule of strict
8 alternation because this woman has been waiting a
9 much longer time at the microphone.

10 MS. OTT: No, that's fine.

11 MR. RUTH: Are you sure?

12 MS. OTT: Yes.

13 MR. RUTH: All right. That's very kind
14 of you. Yes, ma'am.

15 MS. BLALOCK: Thank you. My name is
16 Lynn Blalock, I'm the local Field Director for
17 Youth For Understanding, and my field is from
18 Delaware down to the middle of Virginia. And I
19 provide oversight for the program, from placing
20 students, finding the host families, dealing with
21 the 80 volunteers that work in the area that we
22 screen and train, and then again, working with the

1 students while they're here to help them have a
2 quality experience, not just in the home, but with
3 cultural, educational opportunities. And again,
4 I'm the liaison with all the schools, 955 of which
5 are in my field. I'm very interested in the idea
6 of profiling. And I do use that word, because
7 since 9/11, I think that's an issue Americans have
8 been grappling with, how do we protect ourselves
9 from potential harm from people we don't know.

10 And the world is big, my field is big.
11 But the notion, I believe, of singling out
12 individuals who are interested in being host
13 parents strictly on their marital status I do
14 believe is inappropriate, and I think it's very
15 hard to justify.

16 On the other hand, there are ways to do
17 extra screening for people that fall in that
18 category. There's a balance I would think you
19 could find if you believe that this particular
20 population is at -- has a higher rate of abuse
21 toward children.

22 Perhaps there needs to be more thorough

1 screenings, perhaps interviewing one on one their
2 employers or looking at their history of
3 employment or things more of that nature, but just
4 to exclude them based on their marital status, I
5 think that is profiling, and I have an issue with
6 that. So I think, you know, I'm representing a
7 lot of people who have been hosting students here
8 in the D.C. area for 20 plus years who do
9 incredible work on behalf of these organizations,
10 on behalf of the students themselves. A lot of
11 them couldn't come here today, but that is a
12 concern.

13 And there was another proposal regarding
14 school age children in the home, potentially
15 excluding families who do not have school age
16 children in the home. I'm not sure exactly if the
17 ages were delineated.

18 MS. PALLY: Now, that was only for
19 single parents. So if a single parent had a
20 school age child in the home, then it would be
21 more than one person in the home and that would be
22 fine.

1 MS. BLALOCK: So a couple with no
2 children in the home, no natural children, would
3 not be excluded by your regulation?

4 MS. PALLY: No.

5 MS. BLALOCK: Okay.

6 MS. PALLY: It was essentially if
7 there's more than one person in the home.

8 MS. BLALOCK: In the home, okay. Well,
9 that answers my question. But I am here to
10 represent the many people who have successfully
11 done this. I think there's got to be a middle
12 ground. There has to be some way to permit this
13 by just vetting them more carefully. And again,
14 all these abuses, they're very disturbing to hear.
15 I'm not sure why the organizations aren't the one
16 bearing the bitter pill. If they're the ones who
17 failed to screen these people, why aren't they the
18 ones bearing the bitter pill?

19 MS. PALLY: But many of them don't have
20 criminal records. Like I said before --

21 MS. BLALOCK: I mean, well --

22 MS. PALLY: -- you find out too late, so

1 it --

2 MS. BLALOCK: But this gentleman said
3 somebody was a murderer, so why isn't that
4 organization bearing the bitter pill, not the
5 single --

6 MS. PALLY: We're working on it.

7 MS. BLALOCK: -- not the single parents
8 who --

9 MR. COLVIN: They will be soon.

10 MS. BLALOCK: I'm concerned that you
11 take it out on -- that the rule will be taken out
12 on people who do not have that intention, and it
13 really should be our groups being held to a higher
14 standard of screening.

15 MS. PALLY: Absolutely, we absolutely
16 agree, and we want to hold organizations to higher
17 standards. And like I said, part of being able to
18 do that means having regulations with teeth that
19 do draw lines, because it's very difficult to
20 enforce regulations. I mean, look, if I could put
21 out regulations that said just be good, decent
22 human beings, and all of us would know what that

1 meant and would do it, but unfortunately, that's
2 just not the reality, and that's why regulations
3 are needed, that's why laws are needed.

4 I'm just saying exercise good, smart
5 judgment, place kids in good homes, it doesn't
6 happen, for, you know, a whole host of reasons,
7 but I wish that could be the case, it's just not
8 the reality we live in, so in order to minimize
9 problem situations, we need to strengthen the
10 regulations. But I absolutely hear you. I hear
11 that this one in particular is a very, very
12 difficult one for the community, and I appreciate
13 hearing that and the message is clear.

14 MS. BLALOCK: Thank you.

15 MR. RUTH: Thank you for your patience,
16 ma'am.

17 MS. OTT: Hi, I'm Margie Omer Ott from
18 Youth for Understanding USA, and I want to
19 personally thank you, Maura, for having this
20 meeting. I have a lot of respect for your
21 integrity in following through on your promises,
22 so I really do appreciate that. First of all,

1 I've been asked by the single host moms in the
2 audience whether they can host this year.

3 MS. PALLY: Well, as of now, yeah.

4 MS. OTT: As of now, yeah?

5 MS. PALLY: Oh, yeah, absolutely.

6 MS. OTT: All right.

7 MS. PALLY: I mean we haven't changed
8 the regs. These are proposed regs and we're
9 having a genuine conversation about them.

10 MS. OTT: Well, you know, it's -- I
11 think it's unclear --

12 MS. PALLY: So nothing --

13 MS. OTT: -- to even, those of us in the
14 industry --

15 MS. PALLY: No, the regs that have been
16 in place continue to be in place, and it will be
17 --

18 MS. OTT: -- when these might go into
19 force following this meeting. Do you have a
20 timeline?

21 MS. PALLY: We don't know the exact date
22 of when they'll be published, and we don't know

1 exactly what will be in them at this point.

2 MS. OTT: Okay.

3 MR. COLVIN: And rules have various
4 implementation dates, effective dates, it's
5 standard, so --

6 MS. OTT: Okay. I wanted to ask one
7 other question before I actually go into my
8 comments, if that's okay. Have there, since 2006,
9 been a host parent who has sexually abused a
10 student who had an FBI fingerprint record?

11 MR. COLVIN: We don't know because we do
12 not have FBI fingerprint records.

13 MS. OTT: Who had a criminal record.

14 MS. PALLY: Say it again.

15 MR. COLVIN: But, yes, in point of fact,
16 in the Scranton situation, four -- five of ten
17 parents involved, host parents involved in a
18 situation turned out to have criminal records that
19 were not revealed by the name and social security
20 vendor check, so the answer to your question is
21 yes.

22 MS. OTT: And you are certain that that

1 check ran? You --

2 MR. COLVIN: The Inspector General --

3 MS. OTT: -- collected those reports?

4 MR. COLVIN: -- our Inspector General
5 and the U.S. Attorney in Scranton is sure that
6 that is the case.

7 MS. OTT: Okay. Because I just -- I had
8 heard that the organization did not know that
9 those convicted persons lived in those homes and
10 that those people had never been screened and that
11 that was -- the local representative had committed
12 fraud in the screening process.

13 MS. PALLY: They're not mutually
14 exclusive.

15 MR. COLVIN: They're --

16 MS. OTT: No, they're not mutually
17 exclusive, but that leads to my main comment,
18 which is -- and had a lot to do with our public
19 comment to the proposed regulations, is to focus
20 on the local representative in a number of ways,
21 starting with the fingerprinting, start with the
22 local representative. As NCMEC told us today,

1 they can't even -- they can't handle anybody who
2 receives compensation, so we're not dealing with
3 their capacity with that group.

4 You know, I'm prepared on a pilot basis
5 from the YFU side since my local representatives
6 are volunteers to work through what the procedures
7 and protocol would be to get this done. I know
8 from meeting with NCMEC in other areas, they're
9 doing it on the basis of cards, so they're not
10 using live scans. So there are other technical
11 issues that need to be brought to bear and worked
12 through to even make this possible to consider for
13 the host family population. Because I really
14 think for the host family population, what we're
15 dealing with, and this is -- it's not money and
16 it's not that they don't -- it's not that going
17 through all of that effort to get this much closer
18 to safer is not worth it, but it is that balance,
19 you know.

20 Mike McCarry said that, in the
21 Alliance's survey, 26 percent of host families
22 were very opposed to it. And a YFU survey, which

1 we launched before theirs, so I don't know if our
2 data was included, almost 30 percent of our host
3 families said they would have abandoned the
4 application, and it didn't have to do with not
5 wanting to make students safer, but it had to do
6 with, this is just getting to be kind of a pain,
7 and it's something that I'm volunteering to do,
8 and this is before they know they love this kid.
9 We've seen this happen for years.

10 If the flight schedule is inconvenient,
11 it becomes a big uproar. And, you know, they'll
12 make the kid go through four connections so that
13 they can drive to an airport that's a little
14 closer to their home, but then on the way back,
15 they want us to change the routing because they're
16 like, how can you make my child go through four
17 connections. But before that kid comes, before
18 that kid is a reality, before that kid is a loving
19 member of their family, it's a pain in the neck.
20 So we have to overcome the pain in the neck factor
21 to make this work for the host families. So, you
22 know, I really think that we have to postpone

1 applying it to that cohort until we have all of
2 this worked through.

3 When the industry was moved forward with
4 the name and social security number based checks,
5 it was because there was not going to be -- that
6 imposition on this volunteer who's opening their
7 home for ten months to this stranger from abroad
8 was not there, it was easy, you can sign a paper.
9 And when it becomes almost that easy, I think
10 that's when we should do that.

11 But a lot of what you're talking about
12 in terms of abuses in the industry are really at
13 the hands of the local coordinator, let's be
14 honest. And so strengthening the screening of
15 that cohort and rigorously doing the training and
16 the certification process and starting to track
17 those bad actors is going to do so much more than
18 these fingerprint base checks, you know.

19 As I've said repeatedly, I've been in
20 the industry for 27 years, I have yet to work an
21 abuse case where someone had a criminal record,
22 where someone had been convicted. I am a survivor

1 of sexual abuse myself from the ages of seven to
2 15. My offender does not have a record. I also
3 know from that experience that kids are not going
4 to tell.

5 And you can put a lot of layers in to
6 try to do that, but what we have to do as an
7 industry is work more and more with training our
8 local coordinators on prevention and training our
9 host families in the orientation context that
10 we're watchful, that we are -- that we're
11 organizations, that we're people, we're a
12 community that's watchful, and that will do more,
13 because this is a societal problem, it's not an
14 industry problem.

15 One in four girls and one in six boys,
16 by the time they're 18 years old, will have been
17 sexually assaulted. So I'm probably not the only
18 one in the room. And fingerprint base checks is
19 not going to make it stop. Thank you.

20 MS. PALLY: Thank you, Margie. I
21 absolutely agree, I agree with you on so many
22 fronts, first being that criminal background

1 checks are not 100 percent guaranteed, they are
2 just not, which is why I think we have to have
3 other regulations and mechanisms in place to try
4 and attempt to catch those that we don't want in
5 the program out of the program. And I absolutely
6 agree with you we need to strengthen the local
7 coordinators, because you're right, again and
8 again we see the problems are with local
9 coordinators, but we do also see them with the
10 host families.

11 So, for me, it's not mutually exclusive
12 to tighten up the regulations, oversights and
13 training on the local coordinators, which we're
14 doing, and increasing the criminal background
15 checks, because if we are able to keep out two,
16 three, four bad host parents out of 40,000, to me,
17 it's worth it.

18 MS. OTT: The thing is, is that the
19 local coordinators are doing the screening, and
20 they're the ones to whom the first reports are
21 being made and who are doing the contacts. And
22 unless they get over their own incest taboo and

1 learn to talk about it as a problem in society and
2 learn how to watch for the signs before a student
3 tells them and to act when grooming is taking
4 place, because we're not going to find, you know,
5 we are not going to find these people through the
6 criminal background check, and we're not going to
7 find all of them through the interview and the
8 reference checks, we're going to find them by how
9 they're starting to break down the students'
10 inherent boundaries to this taking place. And
11 it's working with people who are committed and
12 know how to do that and to know how to ask the
13 right questions so that we catch a few more of
14 them on the screening.

15 It's not going to be a background check,
16 it's going to be training and interviewing, it's
17 going to be training and doing reference checks,
18 in doing different kinds of reference checks
19 perhaps, it is in making more rigor out of that
20 contact reporting process, asking the right kinds
21 of questions, what kinds of things do you talk
22 about, do you ever do things alone with dad, do

1 you ever do things alone with mom, what kinds of
2 things.

3 MS. PALLY: Absolutely, I mean I
4 couldn't agree more that more needs to be done
5 with local coordinators, but I don't think you
6 want us specifically putting in the regulations
7 what you need to -- what the local coordinators
8 need to say to the kids or how to train them. And
9 we are doing increased training of the local
10 coordinators, but it's not mutually exclusive to
11 other efforts.

12 MR. COLVIN: Margie, I don't mean to put
13 you on the spot, but your comment, your statement
14 that it all revolves around the quality and the
15 bona fides and the training of the local
16 coordinator and that there should be this, you
17 know, strict scrutiny and oversight of them, but
18 when we proposed as an additional check and
19 balance for that very purpose that another
20 organizational representative, you know, meet with
21 the family and the student within the first month
22 or two months of the placement, we're getting

1 comments back that say, no, don't do that, it's
2 too hard or it's too costly, so I'm having a hard
3 time reconciling, you know, the position there.

4 MS. OTT: In terms of my organizational
5 position, it was that it needed to be staffed.
6 I'm fine if that's volunteers.

7 MR. COLVIN: What now?

8 MS. OTT: I'm fine if another check gets
9 done by volunteers. It's a stipulation that it
10 needs to be done by an employee.

11 MR. COLVIN: Okay.

12 MS. OTT: Okay.

13 MR. COLVIN: Okay.

14 MS. OTT: And perhaps that is something
15 that was in December that's not in this round, but
16 in terms of our comments, it was -- we didn't want
17 that to have to be an employee, that an employee
18 going in and check -- that within the community of
19 volunteers, another volunteer certainly can go in
20 and check on the student as a matter, of course,
21 for -- but we didn't want it to have to be a --

22 MR. COLVIN: An organizational rep.

1 MS. OTT: -- paid staff person that
2 would have to go in and do that.

3 MR. COLVIN: Yeah, I don't believe that
4 that's how it was written. But you're comfortable
5 with organizational representatives doing that
6 within the first month?

7 MS. OTT: Yeah, or two months.

8 MR. COLVIN: Okay.

9 MS. OTT: One month might be hard.

10 MR. COLVIN: Okay.

11 MS PALLY: I know I'm running out of
12 time, but the one thing that you did bring up
13 which we heard a lot on the comments, but I don't
14 think I've really addressed yet, is the issue of
15 host families not wanting to be fingerprinted and
16 the inconvenience factor and the insult factor,
17 and I think that's legitimate. However, today, if
18 you want to volunteer with the Boy Scouts of
19 America for an afternoon on a Sunday, you need to
20 be fingerprinted.

21 MS. OTT: No, you don't.

22 MS. PALLY: And if you --

1 MS. OTT: That's not true. The Boy
2 Scouts don't require, neither does Girl Scouts.

3 MS. PALLY: Okay. Then what's the other
4 organization?

5 SPEAKER: Youth Sports.

6 MS. PALLY: Youth Sports, and many high
7 schools --

8 SPEAKER: Big Brothers, Big Sisters.

9 MS. PALLY: -- and Big Brothers.

10 SPEAKER: That's true for some, not
11 others. You're pulling some out of the air at
12 this point.

13 MS. PALLY: Okay. You're right, I
14 should rephrase. There are a number of
15 organizations out there including schools, and we
16 hear again and again that either for parents who
17 drive a carpool or go on a field trip or want to
18 volunteer for certain youth organizations, they
19 need to get fingerprinted.

20 This is the reality of current day
21 America, that if you are involved with youth,
22 there are -- not all organizations, you're right,

1 there are many organizations that will require
2 that. And to say that we can't ask for people who
3 are taking in a minor into their home to live for
4 an entire year to do that, to me, just doesn't
5 make sense. And, you know, it might make people
6 -- it might make some people uncomfortable, but
7 it's a reality that I think many people have to
8 live with. And it's very hard to justify why some
9 organizations do it, and then for us, where there
10 is such a huge responsibility for an entire year
11 taking care of a minor, to not ask for it is --
12 it's hard to reconcile.

13 MR. COLVIN: You will routinely find
14 that youth -- that adult volunteers associated
15 with many youth sports leagues are absolutely
16 required to be fingerprinted. You'll find in the
17 proposed rule a partial list of organizations that
18 service youth to volunteers, boys and girls clubs,
19 for instance, that must be fingerprinted and are
20 fingerprinted through NCMEC.

21 You will find that the 13 states that
22 have adopted this already and the congressional

1 initiative to create this pilot program. So I
2 guess it's simply the train has left the station
3 on this policy consideration. We're talking about
4 how best to implement it with this particular
5 audience of volunteers.

6 To say that, well, this organization
7 does not provide adequate justification for this
8 community, that's not how one would do the cost
9 benefit analysis of it. Believe me, we're
10 hearing, you know, the arguments that are being
11 made that you're not going to catch any
12 pedophiles, or you're not going to catch any
13 criminals, well, that proves not to be true by --
14 that truth should be inaccurate, excuse me, based
15 upon NCMEC's own data base of volunteers who have
16 to be fingerprinted, who know they have to be
17 fingerprinted and go down and get fingerprinted,
18 and the incidence rate is 6.9 percent that come up
19 with a positive check.

20 These are people that know they're going
21 to be fingerprinted, know they're in the system
22 and are still going down there. Now, what

1 percentage of those should be kicked out, spun out
2 because of the six criterion offenses, well, that
3 will be part of the analysis. So I believe if I
4 understand correctly, that was two percent.

5 MR. RUTH: I apologize for the
6 interruption. At some point we do have to give up
7 the auditorium, and we have two individuals who
8 have been patiently waiting. I'll have to make
9 these the last two. But remember that you can
10 still email us any comments you have through
11 tomorrow if there's something you didn't get a
12 chance to express today. So sir.

13 MR. NATHAN: My name is Alex Nathan, I'm
14 the Director of Education Travel and Culture out
15 of Portland, Oregon. First I'd like to say thank
16 you to all of those involved with the State
17 Department for what's been obviously I think well
18 thought out and that we appreciate the opportunity
19 for the dialogue regarding the implementation of
20 and the proposed regulation changes.

21 As a director of an organization, in
22 some ways I am like a regulating body for all of

1 my coordinators and for my host families, so what
2 you just sent us makes my life easier, whether
3 people believe that or not.

4 A good point is, I would like I hope,
5 Stanley, maybe from you later, if I can get some
6 better clarification. There's been a lot of
7 discussion coming to my desk about host family
8 eligibility for hosting, for example, with
9 misdemeanor infractions from 30 years ago that pop
10 up, and I have to be the bad guy and talk to the
11 host father who's -- potential host father who
12 threatens with an attorney or what not, and I'm
13 happy to be the bad guy, and I do it with no
14 problem.

15 But these issues do come up, so I think
16 that with regulation, it makes my life easier, as
17 well as it just gets out of the head of
18 coordinators that, I'm sorry, these types of
19 placements are just black and white. And
20 regulations are there for a purpose, and that is
21 because it is a broad net, unfortunately, but when
22 you rely on subjectivity, which all of us, yes, in

1 the room have good intentions, we do base our
2 decisions day to day on subjectivity, but
3 unfortunately sometimes statistics work against
4 it. So we do support FBI checks as long as it can
5 be implemented properly. I personally would
6 subject myself to an FBI check, no problem at all.

7 The other issue where I think has been
8 just a comment of praise is, I think with the host
9 family application, with the eligibility of making
10 sure that they're not on some sort of public
11 assistance program, as well as we check even what
12 their average income level is for our own
13 purposes, also photos of the home, that's helped
14 solve a lot of problems for us.

15 And we always reserve the right for
16 students to refuse a placement within reason, not
17 based on ethnicity or race or what not. But we do
18 allow single parents with children at home.

19 Our organization, unfortunately, because
20 we field statistics, we're against it, we don't
21 allow single fathers with children at home, and I
22 know that can create a lot of debate and some

1 unhappy people, but the statistics, again, were
2 the basis of that decision before my time as a
3 director. The last -- this is a question now is,
4 I'd like some clarification about the intention or
5 the private school tuition payments, and I'm also
6 assuming public schools, because there's some
7 public schools now that do charge tuition even if
8 you place a J1 student at the school.

9 And the DS-2019 forms, because of the
10 Embassy delays and visa interviews, et cetera, et
11 cetera, these forms do go out before a final
12 confirmation of a school placement can take place.
13 So I'm concerned, because sometimes we have used
14 this in the past with very good placements.

15 MR. COLVIN: Thank you. I'll tell you
16 why it's in there, and you're raising a good
17 point, if the family and the student knows in
18 advance that they're going to be placed in a
19 tuition charging school, there's no issue. What
20 happens often, and often is a, you know, is a
21 funny word, how many is often, but let's say
22 consistently, every year there are students that

1 the placement didn't work out, and so now the only
2 choice is to put them into a fee charging usually
3 charter or private school, or they get to go home.
4 So that doesn't seem very fair to the student or
5 to the student's family back home that they have
6 to now come up with this additional amount of
7 money. Now, I've seen some sponsors absorb that
8 cost, but some sponsors say, well, I'm sorry,
9 that's just how it is. Now, that's wrong and
10 that's what we're attempting to address.

11 If the regulation, the proposed language
12 doesn't quite hit that mark, then we'll adjust it
13 accordingly based on the comments that we're
14 receiving.

15 MR. RUTH: I apologize for being the bad
16 guy again, but we have one last question here and
17 we want to make sure we get that in.

18 MS. SAARINEN: I'll try to be brief.
19 I'm sorry for the laptop, my three year old has
20 commandeered my iPad, I don't know how that
21 happened, but I'll do my best to open my laptop.
22 I'm here from Minnesota on behalf of an emerging

1 SU advocacy organization called Clear Cause.

2 We're working with like minded organizations and
3 individuals to advance safety and integrity within
4 the youth travel industry. I'm grateful for this
5 meeting today because I am a relative newcomer and
6 this has been incredibly educational.

7 MS. PALLY: Can you adjust the mike a
8 little bit?

9 MS. SAARINEN: Yeah.

10 MS. PALLY: Sorry, I don't think anyone
11 back there could hear, or me. That's good, maybe
12 you just needed to be closer.

13 MS. SAARINEN: Anyway, I'm grateful for
14 the voices that I've heard today because it's been
15 a very educational experience for me. I'm going
16 to offer it under the assumption of the Department
17 of State and all the people in this room right
18 here because you're trying to sort of hopefully
19 fix something that needs to be fixed, you're not
20 going through this whole process because you're
21 trying to fix something that ain't broke, so I'll
22 operate under that premise initially.

1 But in terms of the fingerprint
2 background checks, it seems to me that there's
3 plenty of data that's been coming out, especially
4 with the pilot study and the states, that shows
5 that it is viable, it is feasible, and the cost
6 implications aren't completely off the grid.

7 There's always room for improvement, and
8 I'm sure over time that those things will get
9 better. But if nothing else, I would suspect it's
10 additionally a deterrent. So as you talk about
11 the filter mechanism, you know, in talking about
12 these single families, it's hard for me, I don't
13 have really a position on that, but, you know,
14 that's a tough thing, you're trying to pick and
15 choose, you know, which category and how do you
16 sort of weed out an initial group. And I can't
17 imagine that using a mechanism that's available to
18 us to help protect these kids is as simple as what
19 the FBI makes available isn't a good thing.

20 Sharing of information, I just -- I
21 could be missing something here, but I'm very
22 grateful that you're willing to share what

1 information you've compiled publicly, so I look
2 forward to seeing more of what you got out there,
3 because statistically it's kind of tough to talk
4 about the scope of the problem because there's
5 been so little compilation of information, but we
6 know there's a problem.

7 So if there is a way for all these
8 organizations to come together and share sort of
9 their experiences in a transparent way, again,
10 this seems like such a sort of no brainer to say
11 if you've got a problem where a family has been
12 accused of, whether it's a sexual abuse thing or
13 they're feeding their kid one meal a day, it's
14 just a bunch of bad stuff, but then that kid
15 doesn't, you know, file any formal charges, they,
16 by their own choice, just want to go home, or
17 they're expatriated and there's all these kind of
18 scary words that are used for these kids, it just
19 seems to me that there should be some
20 transparency, not just among the industry, but for
21 families that are interested in becoming parts of
22 these programs, for them to be able to see, you know,

1 what have you found, I mean have you eliminated
2 the bad seeds regardless of whether there's an
3 actual paper trail, legal paper trail.

4 This is done commonly in the nursing
5 home industry, in the health care industry.

6 There's all sorts of, you know, if I want to check
7 something out for my parents to figure out what
8 nursing home I want to send them in, I can go
9 online and find that information clearly, by name.
10 I know which organizations I might not want to go
11 to because there's reporting of incidents, so just
12 food for thought. Let's see, I don't want to go
13 through all these because you guys need to get out
14 of here.

15 MR. RUTH: Ma'am, would it be all right
16 to make one final point that you think is
17 essential?

18 MS. SAARINEN: Yes, absolutely. The
19 students themselves, I would hope that they have a
20 right to police protection, medical examinations
21 and access to an Embassy ombudsman prior to any
22 sort of expatriation activities or anything that

1 might be a sort of roadblock to them sharing their
2 story. And I think to your point, having multiple
3 -- I don't know who said it, I think it was her,
4 that said there should be something available,
5 multiple mechanisms for a student to have a point
6 of contact should they feel that the one or two
7 that they have aren't viable, and so I think that
8 was a great suggestion on her part. And I can
9 submit the few other points I have by email. But
10 I really do applaud this effort. I think you're
11 taking great strides, and thanks so much for
12 letting some of us learn here today.

13 MR. RUTH: Thank you very much. Before
14 I give Ms. Pally the final word, I do want to make
15 sure that I thank all of the many people at ECA
16 who did the logistical work of escorting and
17 informing and all the other necessary things to
18 have made this come off so smoothly, so we owe
19 them a debt of thanks, and then the final word to
20 Ms. Pally.

21 MS. PALLY: Just briefly, I want to
22 really thank everybody for coming and thank

1 everybody for the time and effort that you put
2 into your comments. We are reading them, we are
3 carefully considering them. These are not easy
4 issues at all, and none of us want to claim that
5 they are. We've struggled with the hard ones
6 ourselves, and I think one thing, while we might
7 disagree on outcomes or certain points, I think we
8 all know that we're here for the kids and to make
9 these programs as strong as possible, and our
10 genuine intent is to do just that. And again,
11 these are not easy questions, and they won't be
12 easy to implement, and we want to work with you to
13 figure out how we can best do this. I think
14 there's no question, big changes have to be made,
15 and they will involve difficult times ahead, but
16 ultimately, for the long run, for the much better.

17 Again, I want to reiterate, I know these
18 criminal fingerprint checks are not ready to be
19 implemented tomorrow, we need to have more
20 conversations to figure out how to make them work,
21 to figure out how to make them as palatable as
22 possible, but I also believe it's essential that

1 they happen, and that while it is not going to
2 guarantee that no bad placements ever happen, it
3 will weed out some of the worse of the worst, and
4 even if it's one worse of the worst, that, to me,
5 is worth it, and that while one percent of 40,000
6 might sound small, it's not when it's kids lives.

7 And if that means an inconvenience and
8 that means higher costs, then that's something
9 that we're going to have to deal with as an
10 industry, as a community. And I think we just
11 have to remember why we're all here and why we're
12 doing this. And I just -- I pledge to you that we
13 are listening and take your comments very
14 seriously and are going to work over the next few
15 weeks to figure out a final product that is
16 doable, with NCMEC, with the Hill, with the FBI
17 and others, and hopefully our final product will
18 be something that is workable and that, even if
19 you don't love it at first, you'll at least have a
20 better understanding of why we came to that
21 decision, and just know that we are listening and
22 we are hearing you.

1 And I think at the end of this, we will
2 have a stronger industry, and that's our pledge to
3 you, that that's our ultimate goal, as we know it
4 is yours. So thank you for coming out and thank
5 you for your comments and thank you for your
6 patience during what is a challenging time for all
7 of us, but hopefully, ultimately, at the end,
8 we'll all feel that we have the strongest product
9 possible, so thank you.

10 MR. RUTH: Thank you all, and your
11 escorts await.

12 (Whereupon, at 11:09 a.m., the
13 PROCEEDINGS were adjourned.)

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1 CERTIFICATE OF NOTARY PUBLIC

2 I, Carleton J. Anderson, III do hereby
3 certify that the forgoing electronic file when
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5 direction; that said transcript is a true record
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9 proceedings were taken; and, furthermore, that I
10 am neither a relative or employee of any attorney
11 or counsel employed by the parties hereto, nor
12 financially or otherwise interested in the outcome
13 of this action.

14 /s/Carleton J. Anderson, III
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18 Commonwealth of Virginia

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